



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 23, 1995

Mr. William M. Lawton
Executive Director
Gulf Coast Community Services Association
P.O. Box 14107
Houston, Texas 77221

OR95-1121

Dear Mr. Lawton:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35512.

The Gulf Coast Community Services Association ("Gulf Coast") received a request for the addresses, and telephone numbers of its employees. You assert that this information is private, and submitted to this office a request for a decision, which we received August 25, 1995. However, you did not submit the letter from the requestor to Gulf Coast, or a copy of the documents at issue, to this office.

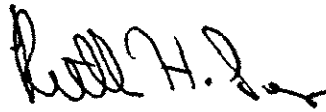
The Open Records Act imposes a duty on a governmental body seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general within ten days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. See Gov't Code § 552.302. This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. See Open Records Decision No. 150 (1977) (presumption of openness overcome by showing that information is made confidential by another source of law or affects third party interests).

We realize that the short time frame prescribed by section 552.301 may occasionally impose a substantial burden on governmental bodies seeking to comply with chapter 552 of the Government Code. Accordingly, when we receive an otherwise timely request for an open records decision that lacks some information necessary for us to make a determination, it has been our policy to give the governmental body an opportunity to complete the request. On September 5, 1995, we asked you to provide us with a copy of the letter from the requestor and copies of the requested documents. To date, we have not received this information. Your request for an open records decision thus remains incomplete.

However, you indicate that the requestor seeks employee addresses and telephone numbers. The home addresses and home telephone numbers of each employee who has opted not to disclose that information, as provided under sections 552.117 and 552.024 of the Government Code, are confidential by law and may not be disclosed. See Gov't Code § 552.352 (distribution of confidential information constitutes criminal offense). Sections 552.117 and 552.024 make confidential both current and former home addresses and home telephone numbers of governmental employees who have chosen to keep this information private. Open Records Decision No. 622 (1994) at 5-6. You must withhold the home addresses and home telephone numbers of those employees who, as of the time of the request for this information, had elected to keep the information private. Open Records Decision No. 530 (1989) at 5. Other addresses and telephone numbers requested must be released.

If you have any questions regarding this matter, please contact this office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

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Ref.: ID# 35512